

116TH CONGRESS  
2D SESSION

# S. 3885

To direct the Secretary of Veterans Affairs to notify Congress regularly of reported cases of burn pit exposure by veterans, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 3, 2020

Mr. BROWN (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To direct the Secretary of Veterans Affairs to notify Congress regularly of reported cases of burn pit exposure by veterans, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “SFC Heath Robinson  
5       Burn Pit Transparency Act”.

6       **SEC. 2. NOTIFICATIONS AND REPORTS REGARDING RE-**  
7                   **PORDED CASES OF BURN PIT EXPOSURE.**

8       (a) QUARTERLY NOTIFICATIONS.—

9                   (1) IN GENERAL.—On a quarterly basis, the  
10          Secretary of Veterans Affairs shall submit to the ap-

1 appropriate congressional committees a report on each  
2 case of burn pit exposure by a covered veteran re-  
3 ported during the previous quarter.

4 (2) ELEMENTS.—Each report submitted under  
5 paragraph (1) shall include, with respect to each  
6 case of burn pit exposure of a covered veteran in-  
7 cluded in the report, the following:

8 (A) Notice of the case, including the med-  
9 ical facility at which the case was reported.

10 (B) Notice of, as available—

11 (i) the enrollment status of the cov-  
12 ered veteran with respect to the patient en-  
13 rollment system of the Department of Vet-  
14 erners Affairs under section 1705(a) of title  
15 38, United States Code;

16 (ii) a summary of all health care visits  
17 by the covered veteran at the medical facil-  
18 ity at which the case was reported that are  
19 related to the case;

20 (iii) the demographics of the covered  
21 veteran, including age, sex, and race;

22 (iv) any non-Department of Veterans  
23 Affairs health care benefits that the cov-  
24 ered veteran receives;

- 1                         (v) the Armed Force in which the cov-  
2                         ered veteran served and the rank of the  
3                         covered veteran;
- 4                         (vi) the period in which the covered  
5                         veteran served;
- 6                         (vii) each location of an open burn pit  
7                         from which the covered veteran was ex-  
8                         posed to toxic airborne chemicals and  
9                         fumes during such service;
- 10                        (viii) the medical diagnoses of the cov-  
11                         ered veteran and the treatment provided to  
12                         the veteran; and
- 13                        (ix) whether the covered veteran is  
14                         registered in the Airborne Hazards and  
15                         Open Burn Pit Registry.

16                       (3) PROTECTION OF INFORMATION.—The Sec-  
17                         retary shall ensure that the reports submitted under  
18                         paragraph (1) do not include the identity of covered  
19                         veterans or contain other personally identifiable  
20                         data.

21                       (b) ANNUAL REPORT ON CASES.—

22                       (1) IN GENERAL.—Not later than 180 days  
23                         after the date of the enactment of this Act, and an-  
24                         nually thereafter, the Secretary of Veterans Affairs,  
25                         in collaboration with the Secretary of Defense, shall

1 submit to the appropriate congressional committees  
2 a report detailing the following:

3 (A) The total number of covered veterans.

4 (B) The total number of claims for dis-  
5 ability compensation under chapter 11 of title  
6 38, United States Code, approved and the total  
7 number denied by the Secretary of Veterans Af-  
8 fairs with respect to a covered veteran, and for  
9 each such denial, the rationale of the denial.

10 (C) A comprehensive list of—

11 (i) the conditions for which covered  
12 veterans seek treatment; and

13 (ii) the locations of the open burn pits  
14 from which the covered veterans were ex-  
15 posed to toxic airborne chemicals and  
16 fumes.

17 (D) Identification of any illnesses relating  
18 to exposure to open burn pits that formed the  
19 basis for the Secretary to award benefits, in-  
20 cluding entitlement to service connection or an  
21 increase in disability rating.

22 (E) Any updates or trends with respect to  
23 the information described in subparagraphs (A),  
24 (B), and (C) that the Secretary determines ap-  
25 propiate.

1                         (2) MATTERS INCLUDED IN FIRST REPORT.—

2                 The Secretary shall include in the first report under  
3                 paragraph (1) information specified in subsection  
4                 (a)(2) with respect to reported cases of burn pit ex-  
5                 posure made during the period beginning January 1,  
6                 1990, and ending on the day before the date of the  
7                 enactment of this Act.

8                         (c) INFORMATION REGARDING REGISTRY.—Section  
9                 201(a) of the Dignified Burial and Other Veterans' Bene-  
10                 fits Improvement Act of 2012 (Public Law 112–260; 38  
11                 U.S.C. 527 note) is amended by adding at the end the  
12                 following new paragraph:

13                         “(3) INFORMATION.—

14                         “(A) NOTICE.—The Secretary of Veterans  
15                 Affairs shall ensure that a medical professional  
16                 of the Department of Veterans Affairs informs  
17                 a veteran of the registry under paragraph (1)  
18                 if the veteran presents at a medical facility of  
19                 the Department for treatment that the veteran  
20                 describes as being related to, or ancillary to, the  
21                 exposure of the veteran to toxic airborne chemi-  
22                 cals and fumes caused by open burn pits.

23                         “(B) DISPLAY.—In making information  
24                 public regarding the number of participants in  
25                 the registry under paragraph (1), the Secretary

1           shall display such numbers by both State and  
2           by congressional district.”.

3         (d) COMPTROLLER GENERAL REPORT.—Not later  
4 than 180 days after the date of the enactment of this Act,  
5 the Comptroller General of the United States shall submit  
6 to the appropriate congressional committees a report con-  
7 taining an assessment of the effectiveness of any memo-  
8 randum of understanding or memorandum of agreement  
9 entered into by the Secretary of Veterans Affairs with re-  
10 spect to—

11           (1) the processing of reported cases of exposure  
12 to open burn pits; and

13           (2) the coordination of care and provision of  
14 health care relating to such cases at medical facili-  
15 ties of the Department of Veterans Affairs and at  
16 non-Department facilities.

17         (e) DEFINITIONS.—In this section:

18           (1) The term “Airborne Hazards and Open  
19 Burn Pit Registry” means the registry established  
20 by the Secretary of Veterans Affairs under section  
21 201 of the Dignified Burial and Other Veterans’  
22 Benefits Improvement Act of 2012 (Public Law  
23 112–260; 38 U.S.C. 527 note).

24           (2) The term “appropriate congressional com-  
25 mittees” means—

1                                 (A) the Committee on Veterans' Affairs  
2                                 and the Committee on Armed Services of the  
3                                 Senate; and

4                                 (B) The Committee on Veterans' Affairs  
5                                 and the Committee on Armed Services of the  
6                                 House of Representatives.

7                                 (3) The term "covered veteran" means a vet-  
8                                 eran who presents at a medical facility of the De-  
9                                 partment of Veterans Affairs (or in a non-Depart-  
10                                 ment facility pursuant to section 1703 or 1703A of  
11                                 title 38, United States Code) for treatment that the  
12                                 veteran describes as being related to, or ancillary to,  
13                                 the exposure of the veteran to toxic airborne chemi-  
14                                 cals and fumes caused by open burn pits at any time  
15                                 while serving in the Armed Forces.

16                                 (4) The term "open burn pit" has the meaning  
17                                 given that term in section 201(c) of the Dignified  
18                                 Burial and Other Veterans' Benefits Improvement  
19                                 Act of 2012 (Public Law 112-260; 38 U.S.C. 527  
20                                 note).

21                                 (5) The term "reported case of burn pit expo-  
22                                 sure" means each instance in which a veteran pre-  
23                                 sents at a medical facility of the Department of Vet-  
24                                 erans Affairs (or in a non-Department facility pur-  
25                                 suant to section 1703 or 1703A of title 38, United

1 States Code) for treatment that the veteran de-  
2 scribes as being related to, or ancillary to, the expo-  
3 sure of the veteran to toxic airborne chemicals and  
4 fumes caused by open burn pits at any time while  
5 serving in the Armed Forces.

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